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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

2011 FEB 10 P 4:46

ALL CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

FEB 10 2011

DOCKETED BY

PAC-WEST TELECOMM, INC.

Complainant,

v.

QWEST CORPORATION,

Respondent.

DOCKET NOS.

T-01051B-05-0495

T-03693A-05-0495

LEVEL 3 COMMUNICATIONS, LLC,

Complainant,

v.

QWEST CORPORATION,

Respondent.

DOCKET NOS.

T-03654A-05-0415

T-01051B-05-0415

**UNOPPOSED JOINT MOTION OF
COMMISSION STAFF AND QWEST
CORPORATION TO CONTINUE
HEARING**

The Commission Utilities Division Staff ("Staff"), joined by Qwest Corporation, hereby moves for an order continuing the date set for oral argument.

The pending merger of Qwest Corporation's parent corporation with CenturyLink, Inc., is before the Commission for approval, in Docket No. T-01051B-10-0194 (the "Merger Docket"). In the Merger Docket, the merging companies have entered into a settlement agreement with the Staff and RUCO that includes conditions that shall attach to merger approval. One of the Staff's objectives in the settlement is to conserve Commission resources. To that end, Staff proposed, and the merging companies agreed, to the following merger condition 41:

1 The Merged Company shall evaluate litigation involving the Commission and
2 make good faith effort to resolve the issues without further litigation. Following
3 are cases which have entailed significant Commission resources which the
4 Merged Company should include in its evaluation: (a) McLeodUSA v. ACC,
5 Arizona District Court Case No. CV07-21545-PHX-HRH; (b) Qwest v. ACC,
6 Arizona District Court Case No. CV08-2374-PHX-JAT; (c) Pac-West/Level 3
7 VNXX Remand Proceeding ACC (Docket Nos. T-01051B-05-0495, T-03693A-
8 05-0495, T-01051B-05-0415, T-036564A-05-0415). (Emphasis added).

9 The parties to the Merger Docket anticipate that the ACC will rule on the merger settlement
10 agreement in late February or early March. The corporate litigants in this case (which is
11 specifically mentioned as one of the proceedings that shall be considered under the condition
12 quoted) have begun discussions in advance of approval of the settlement Condition by the ACC.
13 Assuming the ACC approves the settlement condition, the parties will be obligated to further
14 pursue settlement of this matter.

15 Staff and Qwest believe that for Condition 41 to have a fair chance to work, sufficient
16 time should be allowed. Preparing for and engaging in the oral argument that is currently
17 scheduled for February 22, 2011 will not advance the prospects of meaningful discussion, and
18 may even harden the positions of the litigants. In light of these developments and
19 considerations, Staff and Qwest respectfully request that the hearing for oral argument be
20 continued to a date which shall be set approximately two months subsequent to such order as the
21 Commission may issue with respect to Condition 41 in the settlement between the merging
22 companies. The undersigned are authorized by the respective counsel for Pac-West Telecomm
23 and Level 3 to state that those parties do not oppose this motion for a short delay.

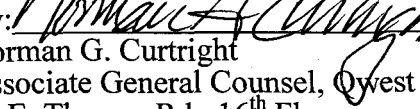
24 RESPECTFULLY SUBMITTED this 10th day of February, 2011.

25 **ARIZONA CORPORATION COMMISSION**
26 **UTILITIES DIVISION STAFF**

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4 **QWEST CORPORATION**

5 By: 
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13 **ORIGINAL** and 13 COPIES of the foregoing
14 filed this 10th day of February, 2011 with:

15 Docket Control
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 **COPIES** of the foregoing **hand-delivered**
20 this same day to:

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Steve Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION

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10th day of February, 2011 to:

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